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HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (S) No. 1815 of 2007

PETITIONERS

1. Mahesh Kumar Dewangan, aged about 29 years, son of Late Chhedilal Dewangan, resident of Baigapara, Ward No.13, Sakti, District Janjgir-Champa (CG)
2. Krishna Kumar Rathore, aged about 26 years, son of Mukund Ram Rathore, resident of PO Nandorekala, Tahsil Sakti, Distt. Janjgir-Champa (CG)
3. Puspendra Kumar Kaushik aged about 30 years, son of Late Raghunandan Lal Kaushik, resident of Station Road, Sakti, District Janjgir-Champa (CG)
4. Harpal Singh Sidar, aged about 27 years, son of Shri Lakhran Singh Sidar, Resident of PO Jangrapara, Maurabhata, PO Mausiniakala, Tah. Sakta, District Janjgir-Champa (CG)
5. Krishna Kumar Rathore, aged about 28 years, son of Late Shri Bhagirati Rathore, resident of village Tohiladih, PO Janganj, Tah. Sakti, Distt. Janjgir-Champa (C.G.)
6. Suresh Kumar Rathore, aged about 28 years, son of Late Shri Akti Ram Rathore, resident of Stationpara, Ward No. 17, Sakti, Distt. Janjgir-Champa (CG)
7. Lal Bahadur Ratre, aged about 33 years, son of Ramlal Ratre, resident of village Dadai, PO Nandaurekhur, Tah. Sakti, Distt. Janjgir-Champa (CG)
8. Gajendra Kumar Dewangan, aged about 42 years, son of Late Ramdas Mehar, Akhrabhatha, Ward No.10, Distt. Janjgir-Champa (C.G.)
9. Dilip Kumar Patel, aged about 37 years, son of Late Shri Pandit Ram Patel, resident of village and post Garhgodhi, Tah. Sakti, Distt. Janjgir-Champa (CG)
10. Mukesh Kumar Soni, aged about 25 years, son of Shri Kunkun Prasad Soni, resident of Ranisagarpara, Ward No.9, Sakti, Distt. Janjgir-Champa (C.G.)

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11. Ram Naresh Tamboli, son of Prem Shankar Tamboli, aged about 23 years, resident of near Maharaja Mandir, Tah. Sakti, District Janjgir-Champa (C.G.)

12. Ajay Pratap Singh, aged about 25 years, son of Late Ekadashi Ram Jagat, resident of Paterapalikhurd, PO Rangja, Distt. Janjgir-Champa (C.G.)

13. Ved Prakash Diwakar, aged about 25 years, son of Late Shri Chunnilal Dhendhe, resident of village Paseed, PO Kirari (Baradwar) Tah. Sakti, Distt. Janjgir-Champa (C.G.)

Versus

RESPONDENTS

1. State of Chhattisgarh, through The Secretary, Department of School Education, Dau Kalyan Singh Bhawan, Raipur (C.G.)
2. The Director, Lok Shikshan Sanchnalaya, Raipur (C.G.)
3. Collector, Distt.Janjgir-Champa (C.G.)
4. District Education Officer, Distt. Janjgir-Champa (C.G.)
5. Chief Executive Officer, Zila Panchayat – Janjgir, Distt.Janjgir-Champa (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:

Shri Sanjay Kumar Agrawal, counsel for the petitioners.

Shri Satish Gupta, Dy. Govt. Advocate for the State.

ORAL ORDER
(20.11.2007)

SUNIL KUMAR SINHA, J,

Heard.

The petitioners have been appointed on the posts of Shiksha Karmi Grade-III on compassionate ground on account of death of their fathers in harness, who were serving as government servants.

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Learned counsel for the petitioners argues that the petitioners have not been appointed as regular employees and the appointment has been given on temporary post of Shiksha Karmi Grade-III. He also argues that they are not getting regular pay scale of Shiksha Karmi. He refers to the copies of appointment orders filed along with writ petition.

Return on behalf of respondents No. 1 to 4 has already been filed. Vide Para-1 of the return, it is contended that the petitioners, (13 in number) have been given compassionate appointment as per the existing rules relating to their posts i.e. Chhattisgarh Panchayat Shiksha Karmi (Recruitment & Conditions of Service) Rules, 1997 on probation and after successful completion of the probation period, the petitioners would be automatically entitled for regular pay scale. They have also filed the Chart (Annexure-R-1/1) showing the date of appointment of each of the petitioners, their date of joining in the institution and also the date of completion of probation period as also scale of pay, which they are receiving presently.

Admittedly, the appointments of the petitioners to the post of Shiksha Karmi Grade-III are governed by the aforesaid statutory rules, therefore, service conditions of the petitioners are to be governed by the said rules. In one of the appointment orders, which is annexed as page No. 21 of the petition, it has been mentioned as condition No.4 that the probation period shall be of 3 years but my attention is drawn towards the last line of Annexure-R-1/1 that the aforesaid probation period of 3 years has been reduced to 2 years by circular No. 1895 dated 7.9.2007.

In this view of the matter, the contention of learned counsel for the petitioner that the appointments of the petitioners are on temporary basis or it is on contract basis is totally misconceived. Moreover, even there is nothing in the appointment order like this. In view of what has been stated above and particularly in view of admissions made in Para-1 of the return and the documents filed with it, it is clear that the petitioners have not been appointed on temporary basis but their appointments are made subject to the aforesaid Rule, 1997 and all provisions of the Rules of 1997 governing the service condition of Shiksha Karmi would be

applicable to them. Therefore, there is no necessity of passing any order or direction for appointment of the petitioners on regular posts.

With the above observations, this petition is accordingly disposed of.

Sd/-
Sunil Kumar Sinha
Judge

vatti